

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

POLY-AMERICA, L.P.

Plaintiff,,

v.

Case No. 4:20-cv-00837

API INDUSTRIES, INC.,

Defendant.

**DECLARATION OF DAVID ANDERSON IN SUPPOR OF MOTION TO DISMISS FOR
LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE**

I, David Anderson, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Vice-President of API Industries, Inc. ("API"). I make this declaration in support of API's motion to dismiss. This declaration is based upon my own personal knowledge and familiarity with the facts and circumstances set forth herein.

2. API is a Delaware corporation whose principal place of business is in New York. All direction, control and coordination of API's activities occurs in New York.

3. API's corporate headquarters and main factory are located at 2 Glenshaw Street, Orangeburg, New York, 10962.

4. Regular meetings and all high-level decision-making stem out of the New York headquarters.

5. All documentation identifies API's location as Orangeburg, New York, such as its federal and state government filings, website, and contracts. See, e.g., www.alufplastics.com/contact.

6. More than eighty five percent of API's employees (410 employees) work in New York.

7. API's corporate records are located in Orangeburg, New York.

8. All mail is sent to API's offices in Orangeburg, New York.

9. API operates a manufacturing facility in Sulphur Springs, Texas, where less than 15 percent (approximately 70 employees) of API's employees work.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 20th day of January, 2021



David Anderson